

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16357 of Parkland, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 and a variance under Subsection 3107.2 from the off-street parking requirements (Subsection 2101.1) to construct a child development center for 100 hundred and 18 staff persons, located in an R-5-A District at premises 2011 Savannah Street, S.E. (Square 5900, Lot 9).

HEARING DATE: June 17, 1998
DECISION DATE: June 17, 1998

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8B. ANC 8B, which is automatically a party to this application, did not testify nor submit a written statement related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR 205. The Board also recognized that the request for a parking variance was unnecessary in this case as the requested relief was a matter of right for the subject site. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The days and hours of operation of the child development center shall be Monday to Friday, between 6:30 a.m. and 6:00 p.m.

2. The child development center shall not exceed a maximum of 100 children and 28 staff persons;
3. The ages of the children attending the child development center shall be between two and 12 years;
4. Seven parking spaces shall be provided;
5. A private contractor shall remove trash two to three times per week as needed.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: **3 – 0** (Maurice Foushee, Betty King and Sheila Cross Reid to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

FINAL DATE OF ORDER: AUG - 7 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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BZA APPLICATION NO. 16357

As Interim Director of the Office of Zoning, I hereby certify and attest that on AUG - 7 1998 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

George R. Keys, Jr., Esquire
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1400 16th Street, N.W., Suite 700
Washington, D.C. 20036-2217

Attested By:

Sheri M. Pruitt-Williams
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Date: AUG - 7 1998

Att./twr